

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TERRY SMITH,

)

Plaintiff

)

v.

)

No. 3:04-cv-128

BAYER CORPORATION LONG  
TERM DISABILITY PLAN and  
BAYER CORPORATION,

)

)

Defendants

)

**JUDGMENT ON DECISION BY THE COURT**

This case came before the court on defendants' motion for judgment on the ERISA administrative record [Doc. 22] and plaintiff's motion for judgment on the record [Doc. 24]. The Honorable James H. Jarvis, United States District Judge, having rendered a memorandum opinion denying defendants' motion for judgment on the ERISA administrative record and granting plaintiff's motion for judgment on the record, it is ORDERED and ADJUDGED that plaintiff is AWARDED a judgment for his long-term disability (LTD) benefits, plus interest from the date on which the benefit payments ceased, as well as partial disability benefits beginning on May 5, 2004, with the cost of this action to be taxed against defendants.

DATED at Knoxville, Tennessee, this 31st day of July, 2006.

s/ Patricia L. McNutt

CLERK OF COURT